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Security Council

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Letter dated 9 July 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1315 (2000) of 14 August 2000, by which the Security Council requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court to prosecute persons bearing the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

Pursuant to resolution 1315 (2000), the United Nations and the Government of Sierra Leone concluded an agreement establishing a special court for Sierra Leone on 16 February 2002. The Special Court has since prosecuted and convicted eight persons. One person indicted by the Special Court remains at large; and the Special Court is conducting its only remaining trial, against Mr. Charles Taylor, former President of Liberia. The most recent projections indicate that the trial could be completed around June 2011 and an appeal, if any, around February 2012. In accordance with article 23 of the Agreement, the Agreement will be terminated upon completion of the judicial activities of the Special Court.

Some essential tasks must continue to be carried out after the closure of the Special Court. These tasks are: conducting the trial of the fugitive or referring his case to a national jurisdiction; maintaining, preserving and managing archives; providing for witness and victim protection and support; responding to requests for access to evidence by national prosecution authorities; supervising the enforcement of sentences of convicted persons; reviewing convictions and acquittals; conducting contempt of court proceedings; providing defence counsel and legal aid; responding to requests from national authorities with respect to claims for compensation; and preventing double jeopardy.

These tasks cannot be handed over to national institutions owing to various legal and practical considerations. Instead, they have to be done by a small and cost-effective international residual mechanism established jointly by the United Nations and the Government of Sierra Leone. It is envisaged that the residual mechanism, like the Special Court, would be funded from voluntary contributions by Member States.

For this purpose, I intend to seek to negotiate and conclude with the Government of Sierra Leone an agreement establishing a residual mechanism for the Special Court for Sierra Leone, and a statute of the residual mechanism.

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I should be grateful if you could confirm that the Security Council is agreeable to this manner of proceeding. Upon receipt of such confirmation, I will proceed promptly to open the negotiations with the Government of Sierra Leone with a view to concluding negotiations and signing the agreement as a matter of priority, preferably by the end of July 2010.

(*Signed*) **BAN** Ki-moon